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**From:** McDavit, Michael W. [Mcdavit.Michael@epa.gov]  
**Sent:** 8/4/2020 7:24:32 PM  
**To:** Beck, Whitney [beck.whitney@epa.gov]; Chemerys, Ruth [Chemerys.Ruth@epa.gov]  
**CC:** Hurlid, Kathy [Hurlid.Kathy@epa.gov]  
**Subject:** RE: Participation in an upcoming RA call

Thanks to both of you for whipping up a few talking points so quickly!

Mike

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**From:** Beck, Whitney <beck.whitney@epa.gov>  
**Sent:** Tuesday, August 04, 2020 12:21 PM  
**To:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>  
**Cc:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** RE: Participation in an upcoming RA call

Hi Mike,

I am guessing that by 8/14, we will not have communicated the ESA decision. But, I have drafted two sets of bullets just in case.

Best,  
Whitney

These are overview bullets:

- On August XX, EPA received Florida's request to assume administration of the Clean Water Act section 404 permit program.
- Florida's request initiated a 120-day clock for the EPA to issue a Federal Register Notice, hold virtual public hearings, consider public comments, and make a decision on whether to approve Florida's program. Region 4 is leading this effort with support from Headquarters.
- If approved, Florida would be one of only three states that administer the 404 program in assumable waters- the other two states are Michigan and New Jersey.

These are bullets that could only be used if HQ has issued an ESA memo:

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- **Ex. 5 Deliberative Process (DP)**
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**From:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Sent:** Tuesday, August 4, 2020 10:50 AM  
**To:** McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>  
**Cc:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** RE: Participation in an upcoming RA call

Mike-

Here's what I have drafted – feel free to edit, of course.

404(g) Rulemaking Update:

## Ex. 5 Deliberative Process (DP)

Ruth

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**From:** McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>

**Sent:** Tuesday, August 04, 2020 9:35 AM

**To:** Beck, Whitney <[beck.whitney@epa.gov](mailto:beck.whitney@epa.gov)>; Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>

**Cc:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>

**Subject:** FW: Participation in an upcoming RA call

Hi Whit and Ruth,

Need some high level TPs for Dave to utter before an upcoming RA meeting. Will cover status of rule and Fla assumption. I'm thinking 3 or 4 bullets each. Dave will surely improv, so we need to just help him with facts and figures and dates, I suspect.

Thanks,  
Mike

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**From:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Sent:** Tuesday, August 04, 2020 8:58 AM  
**To:** McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>  
**Subject:** FW: Participation in an upcoming RA call

Can you ask Whitney/Ruth to put together some TPs for Dave?

thanks

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Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Risley, David <[Risley.David@epa.gov](mailto:Risley.David@epa.gov)>  
**Sent:** Tuesday, August 04, 2020 1:03 AM  
**To:** Bravo, Antonio <[Bravo.Antonio@epa.gov](mailto:Bravo.Antonio@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>  
**Cc:** Mayer, Lauren <[mayer.lauren@epa.gov](mailto:mayer.lauren@epa.gov)>  
**Subject:** Fwd: Participation in an upcoming RA call

Team WOTUS, has anyone reached out for talking points in this? Antonio, same question on 404 assumption. Please let me know. If nothing is in the works, I'd request that draft talking points be shared with Lauren by COB Thursday. If something is in the works, please advise.

David Risley  
EPA Office of Water Communications  
Office 202-343-9177

**Ex. 6 Personal Privacy (PP)**

Begin forwarded message:

**From:** "Ross, David P" <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)>  
**Date:** July 31, 2020 at 3:53:56 PM MDT  
**To:** "Walker, Mary" <[walker.mary@epa.gov](mailto:walker.mary@epa.gov)>  
**Cc:** "Coxen, Carrie" <[coxen.carrie@epa.gov](mailto:coxen.carrie@epa.gov)>, "Eng, Connie" <[Eng.Connrie@epa.gov](mailto:Eng.Connrie@epa.gov)>, "Aguirre, Janita" <[Aguirre.Janita@epa.gov](mailto:Aguirre.Janita@epa.gov)>, "Risley, David" <[Risley.David@epa.gov](mailto:Risley.David@epa.gov)>  
**Subject:** RE: Participation in an upcoming RA call

Mary,

I would be very happy to provide an update on both topics. Janita can ensure my availability.

Congratulations on the MOA signing! A long road to reach this point. And please pass on my appreciation to Noah and team.

**Ex. 5 Deliberative Process (DP)**

Thanks.

Dave

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**From:** Walker, Mary <[walker.mary@epa.gov](mailto:walker.mary@epa.gov)>  
**Sent:** Friday, July 31, 2020 2:26 PM  
**To:** Ross, David P <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)>  
**Cc:** Coxen, Carrie <[coxen.carrie@epa.gov](mailto:coxen.carrie@epa.gov)>; Eng, Connie <[Eng.Connie@epa.gov](mailto:Eng.Connie@epa.gov)>; Aguirre, Janita <[Aguirre.Janita@epa.gov](mailto:Aguirre.Janita@epa.gov)>  
**Subject:** Participation in an upcoming RA call

Hi Dave,

On today's RA call, there was significant interest in having you participate in an upcoming call to talk about implementation of the NWPR – and it also may be a good time to give an update on 404 Assumption consultation policy – if you are interested and available. We are thinking of our call on Friday, August 14. I've copied Janita and Doug's team to see if this works and help with scheduling, if so.

Just signed the 404 MOA with Noah today. It was a great feeling! We took some photos and will try to do some press...

Have a great weekend,  
Mary

Mary Salmon Walker   Regional Administrator  
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